IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 16285 of 2006(L)

PETITIONER:

K.E.GOVINDAN NAMBOODIRI, S/O.EASWARAN NAMBOODIRI, AGED 50 YEARS, KALLAMPALLI ILLOM, KAVUMBHAGOM P.O., PERINGOL, THIRUVALLA, PATHANAMTHITTA DISTRICT, (WORKED AS SANTHI, MINOR PERINGOLE DEVASWOM, ANIRUDHESWARAM SUB-GROUP, THIRUVALLA GROUP).

BY ADV. SRI.K.T.SHYAMKUMAR

RESPONDENTS:
----

1. THE TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM, REP. BY ITS SECRETARY.

2. COMMISSIONER, TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM.

3. ASSISTANT DEVASWOM COMMISSIONER, THIRUVALLA.

BY ADV. SRI.D.SREEKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.16285/06

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE JUDGMENT IN WA NO.784/2001(D) DATED 8.10.01 PASSED BY THIS HON'BLE COURT.

EXT.P2: TRUE COPY OF THE ORDER DATED 13.12.2001 PASSED BY THE 2ND RESPONDENT.

EXT.P3: TRUE CPY OF THE COMMUNICATION DATED 19.2.02 BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.

EXT.P4: TRUE COPY OF THE ORDER DATED 12.5.2003 PASSED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P5: TRUE COPY OF THE WRITTEN UNDERTAKING DATED 27.6.03 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXT.P6: TRUE COPY OF THE DEATH CERTIFICTE DATED 30.3.02 ISSUED BY THE THIRUVALLA MUNICIPALITY.

EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 23.2.05 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXHIBITS OF R1

EXHIBIT R1A: TRUE COPY OF THE REPORT DATED 12.4.05 BY 2ND RESPONDENT.

//TRUE COPY//

ANTONY DOMINIC, J.
==========
W.P.(C) NO. 16285 OF 2006
==========

Dated this the 22nd day of August, 2007

J U D G M E N T

Petitioner was a Karanma Santhi in a temple under the first respondent Board. On conclusion of disciplinary proceedings, he was imposed a punishment of compulsory retirement. This order was challenged unsuccessfully in a writ petition filed in this court and judgment of the learned Single Judge was affirmed in WA No.784/01 (Ext.P1). Subsequently, petitioner represented to the Board for reconsideration and Board issued Ext.P4 informing him that if there is a relinquishment of the Mara Santhi right from the head of the family and the petitioner, his request for reinduction into service could be considered. It is stated that the head of the family, his father, passed away in the meanwhile and hence relinquishment specified in Ext.P4 was impossible of compliance. However, the petitioner gave a

relinquishment of his Mara Santhi right as per Ext.P5. His complaint in the writ petition is that inspite of Ext.P5, he was not reinducted into service as offered by the Board in Ext.P4.

2. Learned counsel for the writ petitioner would argue that Ext.P4 imposed a condition that he and his father, as head of the family, should relinquish their Mara Santhi right. According to the learned counsel, as the father had expired, only he could relinquish the right and that has been done. It is submitted that there was no justification for not inducting the petitioner back into service.

3. The standing counsel appearing for the Board on the other hand would submit that during his lifetime his father was not willing to relinquish the right of the family and the Board will consider the request only if it is safeguarded from any future claim from the members of the family. It is obvious that when they wanted relinquishment

from the head of the family as per Ext.P4, it wanted to insulate itself from any future claim. Now that the father is no more, the Board is justified in its apprehensions.

4. Therefore, the petitioner can obtain necessary relinquishment from the members of his family, relinquishing their Mara Santhi right and claim, and submit to the Board. If it is so done, the Board will reconsider the matter and pass necessary orders thereon. Petitioner can file a representation to the Board accompanied by such relinquishment, and if so, orders will be passed on the representation made by the petitioner.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp